IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5687/2007

M/S SETHI AUTO SERVICE & ANR.
Vs.
M/S PUSHPA MOTORS

DATE: 01.08.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Mahesh Sharma for the petitioner.

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This writ petition is directed against the order dated 09.04.2007 passed by the Civil Judge (Jr. Division) & Judicial Magistrate First (South), Kota, whereby the Court below has dismissed the application dated 06.04.2007 filed by the petitioner for taking lease deed on record.

At the time of rejection of the application, the Court below has submitted that the defendant-petitioners have not taken this fact in the written statement that any lease deed has been executed between the petitioners and the Lodha Corporation and thus, no issue was framed and the petitioner only moved the application after the statement of the plaintiffs.

Since the defendant-petitioners have not taken objection in the written statement, I find no

illegality in the impugned order dated 09.04.2007 which requires any interference by this Court.

However, the petitioners are given liberty that they can take advantage of the evidence of the plaintiffs at the time of final arguments.

The writ petition stands dismissed accordingly.

(K.S. RATHORE),J.

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